



## CITY OF ATLANTA


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Bureau of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: **Z-14-54 for 360, 390, 16<sup>th</sup> Street NW and 1217 Mecaslin Street NW**

DATE: October 2, 2014

The applicant seeks a site plan amendment, from PD-H to PD-H – to replace the site plan identified in Condition #1 of Ordinance 04-O-0902 for the property located at 360, 390, 16<sup>th</sup> Street NW and 1217 Mecaslin Street NW. While the application is intended to replace the 2004 site plan in its entirety, emphasis is being placed on Parcel R-13 where there are 5 single-family residential dwellings left to be constructed.

### FINDINGS OF FACT:

- **Property location.** The subject property is located in land lot 148 of the 17<sup>th</sup> land district, at the south side of the intersection of 16<sup>th</sup> Street with Mecaslin Street, State Street and Atlantic Street. The site is located in the Home Park neighborhood, within NPU-E and Council District 3. The site is part of the redevelopment of Atlantic Station as approved in 2004 by Ordinance 04-O-0902.
- **Property size and physical features.** The site consists of three (3) parcels (pods): R-5, R-6 and R-13. Together, the total size is 5.115 ac. Parcels R-5 and R-6 are completely built out with residential units and their associated internal streets and sidewalks. Parcel R-13 has 5 more units to be constructed.
- **CDP land use map designation:** Future land use maps indicate a land use designation of Mixed Use which is consistent with the comprehensive development plan for the area.

- **Current/past use of property:** Historically, the property has been a part of the redevelopment of Atlantic Station as approved by City Ordinance 04-O-0902 (Z-04-037). Currently, the property is improved with a mix of single and multi-family dwellings and associated internal streets and sidewalks.
- **Surrounding zoning/land use:** The subject property is zoned PD-H. At the north, across the street from 16<sup>th</sup> Street, land is zoned C-4-C, at the south is adjacent to a larger area of single-family residential zoned R-5. The east side abuts an area zoned PD-H, part of the same Atlantic Station redevelopment.
- **Transportation system:** Mecaslin Street, 16<sup>th</sup> Street and Atlantic Street are all considered to be local streets and there is no public transportation available. However, there is MARTA bus route 113 available on nearby 17<sup>th</sup> Street at the north. Also, the area is surrounded by collector and arterial streets, at Bishop Street and 14<sup>th</sup> Street. The interstate I-75/I-85 is located just at the east of the site.

## **PROPOSAL:**

This application seeks a site plan amendment to replace the site plan identified in Condition #1 of Ordinance 04-O-0902, specifically to correct the Floor Area Ratio, the Open Space and parking requirements for Parcel R-13 in order to allow for the last 5 houses on the parcel to be built, and to adjust the development controls for parcels R-5 and R-6 (built out) to reflect the as-built conditions.

## **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject site as a Mixed Use land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. All necessary public utilities are available at this location.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** There is no negative impact on the balance of land uses since the type and number of dwellings has not changed.
- **Effect on character of the neighborhood:** All three parcels (R-5, R-6 and R-13) are components of the already almost entirely developed Atlantic Station and there are only a few residential units left to be built. All the other units have been built and there are currently occupied. There will be no negative effect on the character of the neighborhood.

- **Suitability of proposed land use:** The remaining 5 residential dwellings within the Parcel R-13 constitute an appropriate use of single-family residential, as it was originally approved for the redevelopment of Atlantic Station.
- **Effect on adjacent property:** Staff finds that there will be no impact on adjacent properties, since the layout, design and number of units is not changing.
- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. However, if completely built, parcel R-13 would be already exceeding the allowable floor area ratio should the development controls in the current site plan be applied.
- **Tree Preservation:** The applicant stated that the provision of the City of Atlanta Tree Ordinance will be followed.
- The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
  - a. **The suitability of the tract for the general type of PD zoning proposed.**  
This application is a request for a site plan amendment in a PD-H district. Staff is of the opinion that the tracts identified in the site plan are suitable to the current PD-H district.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**  
The site is part of the same Atlantic Station redevelopment.
  - c. **The evidence of unified control.**  
The proposed site plan amendment has no impact on the general intent of unified control as reflected in the master site plan.
  - d. **The suitability of proposed plans.**  
The proposed revised site plan (stamped received by the Office of Planning on August 12, 2014) does provide enough information in the context of the concerned area.
  - e. **Specific modifications.**  
The amended site plans has been submitted to the Office of Planning on August 12, 2014 and identifies the following specific data:

Parcel R-13 (at this time, 5 more single-family units are left to be constructed):

|  |                                |
|--|--------------------------------|
| Total number of units: 23                    | Total open space ratio: 0.681  |
| Parcel net area: 67, 482 sf                  | Usable open space ratio: 0.389 |
| Maximum floor area ratio: 0.680              | Total open space ratio: 0.681  |
| Parking required ratio: 0.99 spaces per unit | Parking required: 23 spaces    |
| Parking provided: 33 spaces                  |                                |

**f. The suitability of a maintenance program.**

The proposed site plan amendment will not change the private maintenance program.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon following:**

1. Site Plan titled “Rezoning Plan For Atlantic Station” prepared by Ringo Abernathy & Associates on 8/4/2014, stamped by S. Guy Abernathy – PE and stamped received by the Office of Planning on August 12, 2014.



KASIM REED  
MAYOR

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CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

## MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-01 for 2600, 2601, 2636, 2640, 2646 Shady Valley Dr. and 2633 Lenox Rd, N.E.

**DATE:** October 2, 2014

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The applicant seeks to rezone the subject property from R-3 (Single Family Residential) and RG-3-C (Residential General-Sector 3-Conditional) district to RG-3-C (Residential General-Sector 3-conditional) district for development of 38 townhomes with a private drive.

### FINDINGS OF FACT:

- property location: The subject property fronts approximately 404 feet on the western side of Shady Valley Drive and approximately 308 feet on the northern side of Buford Highway and approximately 47 feet on the northeasterly side of Lenox Road. It is in the Pines Hill neighborhood of NPU-B, Council District 7.
- property size and physical features: The subject property consists of approximately 3.02 acres. 2636, 2640 and 2646 Shady Valley Drive are developed with one story single family dwellings. The balance of the property is vacant. The topography slopes up steeply from all road frontages. Mature trees are scattered throughout the site.
- CDP land use map designation: The parcels developed with single family dwellings have a land use of Low Density Residential (0-8 units per acre). The balance of the land has a land use designation of Office/Institution.
- current/past use of property: To Staff's knowledge the property has always been used for residential purposes and the vacant area has been vacant for many years.
- surrounding zoning/land uses: 2636, 2640 and 2646 Shady Valley Drive are zoned RG-3-C (Residential General-Sector-3-Conditional) with a land use designation of Low Density Residential. The balance of the property is zoned R-3 (Single Family Residential) with a land use designation of O/I (Office/Institutional). Property adjacent on the west is zoned O-I-C (Office Institutional-Conditional) and developed with multi-family units and the property adjacent on the north is zoned RG-3-C (Residential General-Sector 3-Conditional) and developed with townhomes. Property to the east, across Shady Valley Drive is zoned R-3 (Single Family

Residential) with a Single Family Land Use and is vacant but for one parcel at the corner of Shady Valley Drive and Saratoga Place which is developed with a single family home that fronts on Saratoga Place.

- transportation system: Shady Valley Drive is a local street; Lenox Road, to the west, is a north/south collector and Buford Highway is a major east/west arterial. The entrance to Interstate 85 north is just south of Buford Highway. Some sidewalks are found in the area. The following MARTA bus routes serve the area:  
Bus route 3 to the Lenox Transit Station  
Bus route 33 to the Chamblee Transit Station  
Bus route 39 to the Lindbergh Transit Station

### **PROPOSAL**

The applicant proposes to rezone the property to enable the development of thirty-eight (38) townhomes fronting on a private drive:

|                    |                        |                     |                        |
|--------------------|------------------------|---------------------|------------------------|
| FAR                | Permitted 0.696        | Proposed 0.664      | 2,800 SF per unit      |
| Total Open Space   | Required 0.69          | Proposed 0.73       |                        |
| Useable Open Space | Required 0.40          | Proposed 0.41       |                        |
| Parking            | Required 0.99 per unit | Proposed 2 per unit | 6 guest parking spaces |

The site will be heavily landscaped along the Shady Valley Drive/Buford Highway/Lenox Road frontages. The site plan provides for an accessed controlled entry gate system with call box.

### **CONCLUSIONS:**

#### **(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject area as Low Density Residential and Office/Institutional therefore an amendment to the 15-year land use map would be required to facilitate this proposal. Although the proposed zoning district, RG-3-C is compatible with the Office/Institutional land use a designation of Medium Density Residential for the entire site would be appropriate.

There are no public projects or programs with which the timing of the project would conflict.

#### **(2) Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been a long established residential area, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

#### **(3) Availability of other land suitable for proposed use; environmental effect on balance of**

**land uses:** The zoning regulations indicate that this consideration is optional. There are limited sites available for this type of infill development in this area. The immediate area is developed with a mix

of townhomes, multi-family and single family dwellings. The proposed townhome use would not negatively impact the balance of land uses in the area.

- (4) **Effect on character of the neighborhood:** The development as proposed should not have a negative effect of the character of the neighborhood as it is similar to other developments in the area. However, as proposed with a controlled entry gate system the development would be physically and symbolically separated from the surrounding urban fabric of the neighborhood.
- (5) **Suitability of proposed land use:** Medium Density Residential land use is suitable based on the surrounding development and street network in the area.
- (6) **Effect on adjacent property:** The construction of thirty-eight (38) townhomes that would have a configuration compatible to others in the area should have a positive effect on adjacent property by replacing vacant land and older residential structures with new housing opportunities in the area.
- (7) **Economic use of current zoning:** The zoning category will not change for a portion of the site and the area currently zoned R-3 while has some economic value the value will be enhanced through the rezoning to RG-3.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

**STAFF RECOMMENDATION: APPROVAL** conditioned upon the following:

1. A site plan similar to one entitled "Shady Valley Townhomes" by Paradigm Engineering Services, Inc. dated 8-14-14 and marked received by the Office of Planning August 18, 2014.
2. The existing sidewalk along Buford Highway and Lenox Road shall be extended along Shady Valley to the private drive entrance.
3. A four-foot walkway shall be provided along both sides of the proposed drive and entrance drive to allow for safe pedestrian access to the public sidewalk.
4. No non-residential uses shall be permitted on the property.
5. Vehicular access for the site will be restricted to a tie-in with the existing drive on Shady Valley Road which also serves the residential development to the north of the development, as shown on the site plan. No other vehicular access shall be permitted.
6. Signage for the property will be limited to two (2) property identification monument constructed of brick or stone with an inlaid plaque and not be internally illuminated. Once such sign may be located on Shady Valley Road and one on Lenox Road as long as the City of Atlanta Sign Ordinance is met.
7. A landscape plan for the property frontages shall be approved by the Office of Planning prior to issuance of building permits.
8. The development shall not be gated.




KASIM REED  
MAYOR

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CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board  
**FROM:** Charletta Wilson Jacks, Director  
**SUBJECT:** U-14-07 for 1937 Browns Mill Road, S.E.  
**DATE:** October 2, 2014 (*deferred from May 8<sup>th</sup> and August 14<sup>th</sup>*)



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The applicant seeks a Special Use Permit (Section 16-06.005(1)(g)) for a **Personal Care Home** to operate in an existing single-family home located at 1937 Browns Mill Road.

The applicant has requested to withdraw this application.

**STAFF RECOMMENDATION: FILE**





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Kasim Reed  
MAYOR

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CHARLETTA WILSON JACKS  
Director, Bureau of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-34 for 395 Central Park Place, 330 McGill Place, 330 and 333 Ralph McGill Boulevard, NE

**DATE:** October 2, 2014 (*deferred from August 14<sup>th</sup> and September 8<sup>th</sup>*)

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Applicant is seeking to rezone the property from the C-4 (Central Area Commercial Residential) District to the RG-4 (Residential-General) district. The 395 Central Park Place, 330 McGill Place, 330 and 333 Ralph McGill Boulevard addresses comprise one parcel lot of record. A portion of the subject property is being rezoned.

#### FINDINGS OF FACT:

- Property location: the subject property is located on the block bounded by Angier Avenue, Felton Drive, Ralph McGill Boulevard, and Central Park Place in the Old Fourth Ward Neighborhood of NPU-M, Council District 2. It is located in land lot 47 of the 14<sup>th</sup> District, Fulton County, Georgia.
- Property size and physical features: The portion of the property being rezoned is approximately 7,598.61 square feet in size.
- CDP land use map designation: The current land use designation is High Density Residential (HDR). A CDP land use designation is not required to rezone the property.
- Current/past use of property: The property is being has and is currently being used for multi-family residential uses. Currently the adjacent 410 Felton Drive parcel is vacant, with demolition of four (4) apartment buildings having occurring in 2013.
- Surrounding zoning/land uses: Surrounding zoning designations include multi-family residential (RG-4) to the immediate north and commercial (C-4) to the immediate east and west. Surrounding land uses are predominately multi-family residential uses. A few single-

family residential structures (but zoned RG-4) with frontage on the south side of Angier Avenue abut the subject properties to the north.

- **Transportation:** Angier Avenue, Felton Drive, Ralph McGill Boulevard, and Central Park Place are all classified as local streets. MARTA bus services runs along Ralph McGill Boulevard and nearby along Piedmont Avenue, North Avenue and Boulevard. Access to Interstate I-85 is within a five minute drive of the subject properties.

## **PROPOSAL:**

The 395 Central Park Place, 330 McGill Place, 330 and 333 Ralph McGill Boulevard addresses comprise one parcel lot of record of which only a small portion of the property is being rezoned to multi-family residential (RG-4) to allow for a driveway to be constructed to serve a proposed townhouse development on the adjacent parcel at 410 Felton Drive. An easement agreement has been entered into between both properties to serve the townhouse development.

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The proposed rezoning does not require a CDP land use change for rezoning of the properties. The rezoning is being sought to allow driveway access for the adjacent property for a new townhouse development.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**  
Due to the location of the subject property and the surrounding developing staff is of the opinion that the existing public facilities and services will not be negatively impacted.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The rezoning is intended to provide a driveway easement for access to the adjacent parcel which is properly zoned for a townhouse development. There would be no adverse effect on the balance of land uses since the abutting properties are multi-family residential.
- 4) **Effect on character of the neighborhood:** The rezoning would have a positive effect on the character of the neighborhood as it would provide driveway access to enable the redevelopment of an adjacent parcel for a new townhouse development.
- 5) **Suitability of proposed land use:** The zoning change is consistent with the actual land uses on the property and it would allow for the redevelopment of the adjacent property with multi-family residential uses.
- 6) **Effect on adjacent property:** The rezoning of the property would have a positive impact on adjacent properties as it would reduce the amount of commercial zoning designations in an area with predominately residential uses and it would enable the redevelopment of the adjacent property into a townhouse development.

- 7) **Economic use of current zoning:** There is no economic use of the current commercial zoning since there are no commercial uses on and/or proposed for the property. The change to a multi-family designation is consistent with the residential uses on the property.
- 8) **Compatibility with policies related to tree preservation:** the proposed development requires compliance with the City of Atlanta Tree Ordinance at time of permitting.

**STAFF RECOMMENDATION: APPROVAL**



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-19 for 211 Peachtree Street, S.W.

**DATE:** October 2, 2014

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An Ordinance by Zoning Committee granting a Special Use Permit for Bus Terminal pursuant to Section 16-18A.006 (SPI-1 Downtown: Use Table) for property located at **221 Peachtree Street, S.W.**

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 50 feet on the west side of Peachtree Street beginning approximately 372 feet from the western intersection of Peachtree Street and Trinity Avenue. The property is in Land Lot 77 of the 14<sup>th</sup> District, Fulton County Georgia. It is in the Downtown neighborhood of NPU-M, Council District 4.
- **Property size and physical features:** The subject property is a rectangular-shaped 6,653 sq. ft. with an existing 1,146 sq. ft. one-story office building situated in the rear of the lot. The topography is level with Peachtree Street, and there are 10 parking spaces between the building and the street. There is a 4-ft wide walkway directly in front of the building, and a 6-ft wide sidewalk behind the building.
- **Current/past use of property:** The property was previously used as a bail bond office facility.
- **Surrounding zoning/land uses:** The subject property lies within a mixed-use zoning district that consists of offices, a bus terminal, a train station, and some retail.

- **Transportation system:** The site is located in the midst of an established transportation node that includes an active Marta bus route on Peachtree Street, and a Marta's Garnett train station directly behind the site.

## PROPOSAL:

The applicant proposes to convert the property to a bus terminal/stop. The company is General Bus Line Inc. and has been operating for 12 years with other locations along the east coast.

- **Ingress and egress:** The current entrance and exit to the property along Peachtree Street will remain in the current configuration. Employees, clients, and emergency vehicles will utilize this access point.
- **Off-street parking and loading:** There are 7 parking spaces that are proposed upon the reconfiguration of the parking lot. These standard automobile parking spaces will be situated along the east side of the parking lot at 90 degrees, instead of the existing angled parking spaces. This area is dedicated for client parking, deliveries, and service personnel. The west side of the lot will be reserved for the bus loading and unloading.
- **Refuse and service areas:** A dumpster will be provided on site, and will be serviced by a private waste disposal company.
- **Buffering and screening:** There will be no significant light or noise generated from the facility. There will be two buses scheduled per day, and there will be two employee vehicles on the property daily. The buses are anticipated to remain on-site no more than two hours, and there will be no overnight parking. No new road improvements are deemed necessary.
- **Hours and manner of operation:** The property will be used as a bus stop/terminal. The business will be open 11 am – 8 pm, and there are two buses that will be scheduled per day at the site. Two employees will be scheduled to work during regular business hours, and there will be no meals or other special programs offered at the facility. The buses will run at an average of 70% occupancy, which results in about 35 people per bus load, and minors must be accompanied by adults. The facility that is in closest in proximity to Atlanta is in Charlotte, North Carolina. The applicant has indicated that their next anticipated location is scheduled for Tampa, Florida.
- **Duration:** The applicant has requested that the duration of the Special Use Permit be for an unlimited time.
- **Required yards and open space:** There are no building additions that would interfere with any required yards or open space.

- **Tree Preservation and Replacement:** No trees will be damaged or removed.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The proposed bus stop use is compatible with the existing uses in the area (i.e. bus terminal and transit station). The existing vehicular access point on the property appears to be sufficient for vehicular movement based on the review by the City's Office of Transportation. The low level of traffic along this portion of Peachtree Street makes bus maneuverability for ingress/egress to the property safer.
- b) **Off-street parking and loading:** The proposed reconfiguration of the site's off-street parking and loading has been reviewed and approved by the City's Office of Transportation. The comments that were given to the applicant based on the initial site plan were incorporated into the new site plan. The SPI-1 district does not have minimum parking requirements for this type of use. The proposed seven parking spaces appear sufficient for the two employees, and any client parking that may be needed, especially given that there will only be two bus trips made per day during the week.
- c) **Refuse and service areas:** The proposed dumpster will need to be located in an area that does not conflict with traffic, and should also be fully screened according to the SPI district requirements.
- d) **Buffering and screening:** No additional buffering and screening is required for the proposed use.
- e) **Hours and manner of operation:** The hours and manner of operation appear to be consistent with the character of the surrounding area, and appropriate for the site. The company proposes to have a maximum of 2 bus stops per day, which will result in a smaller amount of traffic at the site than a typical bus terminal. The site is limited in size, but is still able to provide enough room for an 8-ft. wide x 47-ft. long bus loading zone, a 22-ft. wide drive isle, and seven parking spaces. Most of the patrons will utilize the parking to purchase tickets, and pick-up/drop-off others to the bus facility.
- f) **Duration:** Staff recommends that the bus terminal use be good for a maximum of 5 years.
- g) **Compatibility with policies related to tree preservation:** No trees are being impacted.
- h) **Required yards and open space:** No building additions are proposed at the site.

**STAFF RECOMMENDATION: APPROVAL, conditioned on the following:**

- 1) A site plan, titled "Proposed Floor Plan/Site Plan" 211 Peachtree Street- received by the Office of Planning and dated August 28, 2014. Final approval of this parking and traffic layout shall be approved by the Office of Transportation and the Office of Planning prior to the issuance of a building permit.
- 2) There shall be a maximum of two bus trips allowed to the site per day.
- 3) The special use permit shall be good for five years from the date of Council approval.
- 4) The special use permit shall only be valid during the five year period if SHUZHEN SHENG is the owner/operator.



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-36 for 1910 & 1920 Bixby Street, S.E.

**DATE:** October 2, 2014

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An Ordinance to rezone from the R-4 (Single Family Residential) District to the MR-3 (Multifamily Residential) District.

#### FINDINGS OF FACT:

- property location: The subject property fronts approximately 188 feet on the north side of Bixby and begins approximately 258 feet from the easterly intersection of Warren Street. The property is located in the Kirkwood Neighborhood of NPU O Council District.
- property size and physical features: The subject property of approximately 2.88 acres with 188 feet of frontage is an irregular shaped lot that is currently developed with several two story multifamily units. Access to the subject property is provided via two driveways that provide ingress and egress to the site. There are several stripped parking spaces located throughout the subject property. Topography varies and there are a several mature trees/shrubbery located throughout the site.
- CDP land use map designation: Single Family Residential
- Current/past use of property: The site is currently the location of Kirkwood Midtown apartments. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: R-4A (Single Family Residential) to the northwest, north and south and NC-3 (Neighborhood Commercial – Kirkwood Neighborhood Commercial) to the northeast.
- Transportation system: Howard Street is a collector street that provides access to Bixby Street and is serviced by MARTA.



## PROPOSAL:

The applicant's intent is to rezone the subject property in order to bring the existing use, a multifamily development, into conforming status by rezoning to a district that is compatible. Furthermore, the applicant is also proposing to demolish the existing buildings and construct a new 86,100 square foot multifamily development with a parking deck in the rear.

|                                    |                 |
|------------------------------------|-----------------|
| Gross Floor Area:                  | 125,453 sq. ft. |
| Net Lot Area:                      | 125,453 sq. ft. |
| Maximum FAR allowed (residential): | 0.696           |
| Proposed FAR (residential):        | 0.686           |
| Minimum Useable Open Space:        | 0.40            |
| Proposed Useable Open Space:       | 0.42            |
| Minimum Parking:                   | 85              |
| Proposed parking:                  | 400 spaces      |

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MR(Multifamily Residential) district.

## CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed rezoning is not compatible with the 2011 Comprehensive Development Plan and will require an application to amend the land use designation to Medium Density Residential. The requested land use amendment is compatible to the surrounding area as parcels adjacent to the subject properties are designated as Mixed Use and Single Family Residential. The proposed change in land use would provide a smooth transition from single family to the Mixed Use and Low Density Commercial properties to the northeast of the subject property. Therefore, Staff is of the opinion that the proposed land use change will not compromise the intent of the Comprehensive Development Plan.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established residential and mixed use corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

Staff is of the opinion that the request to rezone the subject property for the purpose of a multifamily development would not create any issues that would negatively affect the balance of land uses in the area. The site currently contains several multifamily units that are underutilized and in need of major repair. The applicant's proposal includes the demolishing of the existing development and construction of a new development that would improve the overall community. Therefore, Staff is of the opinion that no other land to be evaluated for the subject rezoning.

- (4) **Effect on character of the neighborhood:** The immediate area is flanked by a mixture of uses including mixed use, multifamily and single family. No negative effects are expected on adjacent properties. Only positive effects can result from new development opportunities in a neighborhood that currently promotes quality of life zoning designations and new multifamily developments. Therefore, the construction of a new multifamily development would serve to further redevelop the area, in conjunction with other residential and mixed-use redevelopments projects that are currently under way on nearby sites.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties. Currently the subject site contains a multifamily development that was originally developed in 1967. Therefore the addition of a new and upgraded multifamily development should not have a negative effect on adjacent properties. The proposed multifamily development would only compliment an area where development is prevalent and welcomed.
- (7) **Economic use of current zoning:** The current zoning conditions does not allow for economic use of the land due to the use being incompatible with the zoning. However, a change in zoning would allow for a more effective economic use of the subject property for the purpose of constructing a multifamily development that is compatible with the proposed MR zoning category. The applicant has proposed to make improvements to the site which would promote a desirable living environment.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

**STAFF RECOMMENDATION: APPROVAL conditioned on the following:**

1. Site plan similar to Site plan dated June 30, 2014 and marked received by the Office of Planning on July 1, 2014. This site plan shall not prohibit the application of the MR (Multifamily Residential) zoning regulations.
2. The residential multifamily development shall be similar to the rendering titled Bixby Street Apartments dated August 7, 2014 and marked received by the Office of Planning on September 25, 2014.
3. Maximum number of stories will be determined by the building height of no more than a maximum of 35 feet from the center line of Bixby Street. Max height at 35' as measured from centerline of Bixby St.
4. Building Façade Allowed Materials:
  - a. Exterior facades: shall be a min. of 35% masonry. For purposes of this condition masonry shall be defined as terracotta, mortar, stone and brick and similar. Cementitious siding and panels, such as Hardi products are also permitted.
  - b. Foundations: shall be faced in masonry or multi-coated coat stucco. For purposes of this condition a foundation is defined as the surface area of the building façade below the lowest finished floor area.
  - c. Railings: shall consist of wood, metal or glass.

5. The following exterior materials shall be prohibited:: Vinyl siding, Vinyl railings, Exterior insulation finished systems (EIFS)
6. Specimen Trees, as identified and located on the Survey Sheet for 1910 Bixby Street Atlanta, Georgia 30317, ALTA / ACSM LandTitle Survey for Wesley Apartment Homes Group,LLC & First American Title Insurance Co. Dated January 20, 2014, as feasible, will be saved by the Applicant / Developer.




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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board  
**FROM:** Charletta Wilson Jacks, Director   
**SUBJECT:** Z-14-37 for 690 and 658 Lindbergh Drive, N.E.  
**DATE:** October 2, 2014

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The applicant seeks a rezoning of the property, An Ordinance to rezone from the SPI 15, Subarea 8 to the SPI 15 Subarea 3, property located at **690 AND 658 LINDBERGH DRIVE, N.E.**

The applicant has requested a deferral to the November public hearing.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – NOVEMBER 2014**



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Bureau of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director

SUBJECT: **Z-14-038 for 795, 797 Delmar Avenue SE**

DATE: October 2, 2014

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The applicant seeks a rezoning of the property, from **R-4 / BL** to **PD-H / BL**, in view of a new development composed of 24 single-family detached dwellings for the property located at **795, 797 Delmar Avenue SE**.

### FINDINGS OF FACT:

- **Property location.** The subject property is located in Land Lot 22 of the 14<sup>th</sup> Land District at the western dead-end of Delmar Avenue. It is located in Ormewood Park neighborhood of NPU-W and within Council District 1.
- **Property size and physical features.** According to the City of Atlanta lot boundary maps, the subject property consists of three tracts of land amounting to a total acreage of 5.51 acres. T the west side, the property is immediately adjacent to the Atlanta BeltLine corridor (Atlanta west Point Railroad). At north, east and south sides, the property abuts existing single-family and multi-family developments.

There is an existing single family house proposed for demolition to make room for the new development. Topography presents a significant upslope condition from east to west. Topography is particularly challenging along the BeltLine corridor. The site features one stream located along the east-south-east property line. Just west of the stream, there are two sanitary sewer lines. Also, the site has very significant tree coverage throughout. There is available public sanitary sewer in Delmar Avenue.

- **CDP land use map designation:** Future land use maps indicate a land use designation of Single Family Residential.
- **Current/past use of property:** Historically, the property has been known as 845 Delmar Avenue. Currently, the property is improved with one single family house.
- **Surrounding zoning/land use:** The subject property is located at the east portion of a large R-4 zoned area. Immediately to the south, there is an existing development zoned RG-2. The subject property is located in an entire area with the land use designation of Single-Family Residential. Also, at the west it abuts the Atlanta BeltLine corridor (TCU).
- **Transportation system:** Delmar Avenue is categorized as a local street. There is no public transportation available on Delmar Avenue. However, there are bus routes available on nearby Moreland Avenue at the east and Boulevard at the west.

### **PROPOSAL:**

This application seeks to create 24 single-family detached residential lots served by an interior private street.

### **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single-Family Residential land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. There is existing public sanitary sewer available at Delmar Avenue and on the property itself. The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection. The site is located within the Thompson Creek sanitary sewer basin.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.
- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will be

similar with existing residential subdivisions just north and east of the subject site. Additionally, Staff considers this proposal as an improvement over the existing conditions.

- **Suitability of proposed land use:** A change in the 15-year land use map is not required.
- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The proposed site plan provides for additional buffering conditions along the north and east portion of the site together with an improved level of amenities and common areas. The site plan identifies landscaped buffers along the north and east property lines, in order to maintain a natural tree buffer from the adjacent single-family developments.
- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. However, should the property be developed under the guidelines of existing R-4 zoning category that would result in a much higher disturbance of the environment and therefore would create a negative effect on to the surrounding properties. The proposed development of 24 new houses would certainly represent an economic improvement.
- **Tree Preservation:** In order to accommodate the development, a large number of trees will have to be removed, mostly in the western two-thirds of the site. However, the proposed site plan preserves significant areas with trees in a natural manner and, in places, enhances the landscape with additional planting material.
- The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
  - a. **The suitability of the tract for the general type of PD zoning proposed.**  
This application is a request for a rezoning. Staff is of the opinion that the request is suitable for a PD-H zoning classification. The property presents certain existing particularities that Staff considers as hardship conditions: the stream and its associated undisturbed buffers at the south-east of the site, utility easements and a challenging topography. Given the site location, right along the Atlanta BeltLine corridor, the proposal would provide for a cluster-type residential development which is typical along the BeltLine, while retaining the same overall unit density as in the current R-4 zoning. Also, Staff is of the opinion that the proposed project would be compatible with surrounding neighborhoods and would enhance the character of the area.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**  
There is no public transportation available on Delmar Avenue. Marta provides bus routes service on Moreland Avenue and Boulevard.

**c. The evidence of unified control.**

The revised site plan submitted by the applicant identifies several elements of unified control in the future development. Access to the development will be provided through a shared private street as an extension of the public right-of-way of existing Delmar Avenue. The private street will be two-ways and certain portions will have pervious pavement. Also, the site plan indicates three common areas/amenity.

The North Triangle area of 0.40 acres will be developed with a walking trail, possibly connecting in the future to the Atlanta BeltLine corridor. The second area, the Central Park, of 0.12 acres, will be located at a higher elevation, be improved with pedestrian stairs and trees and would provide for a sight towards the third common area. The third common area, the East Park, of 1.45 acres is the land along the stream buffer. This area is proposed to have pedestrian stairs, a boardwalk and a meandering waking non-paved trail. Overall, the East Park would reclaim the area around the existing sewer lines and would be transformed in to an amenity area.

All the common areas will be privately owned and maintained in common by the future residents and the legal details/maintenance program will be stipulated in certain private covenants.

**d. The suitability of proposed plans.**

The proposed revised site plan (stamped received by the Office of Planning on August 25, 2014) provides sufficient relevant information.

**e. Specific modifications.**

Revised site plans have been submitted to the Office of Planning on August 25, 2014.

**f. The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**Other requirements:**

- |  |         |
|--|---------|
| - Front yard setback                                 | = 18 ft |
| - Side yard setback (between buildings in a pair)    | = 5 ft  |
| - Side yard setback (between two pairs of buildings) | = 10 ft |



**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. Subject to the revised site plan titled “Delmar Avenue Houses – On the BeltLine” by RutledgeAlcock Architects, dated August 22, 2014 and stamped received by the Office of Planning on August 25, 2014. Also subject to the Boundary and Topographic Survey for Fabric Developers LLC, by DeKalb Surveys, Inc., dated March 24, 2014 and stamped by Patrick F. Carey – RLS.
2. Developer shall obtain a Special Administrative Permit – BeltLine, from Office of Planning, before applying for the Land Disturbance Permit.
3. Developer shall obtain Final Plat approval from Office of Planning before making application for building permits.
4. Developer shall provide the Office of Planning with recorded private covenants as a condition of the approval of the final plat. The document must contain details about ownership and maintenance program for the private street and all other common areas.
5. Property frontage along Delmar Avenue as well as both sides of the new internal street shall be improved with new sidewalks according to Americans with Disabilities Act (ADA) and City of Atlanta standards, before approval of the final plat.
6. Any street lighting system for the private roadway shall be designed to allow no light spillage onto any adjoining property.
7. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
8. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Office of Site Development, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.



## CITY OF ATLANTA


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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-40 for 2860 Piedmont Road, N.E.

**DATE:** October 2, 2014 (*deferred from September 11, 2014*)

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The applicant requests to rezone from the C-1-C (Community Business-Conditional) District to the C-1-C (Community Business-Conditional) District for a change of conditions, property located at 2860 Piedmont Road, N.E. Note: the site was part of a rezoning to C-1-C in 2005 per Z-05-28.

### FINDINGS OF FACT:

- **Property Location:** Beginning 425 feet north of the northwest intersection of Piedmont Road and East Wesley Road the subject property fronts 180 feet along the west side of Piedmont Road to an approximate variable depth of 300 feet. The property is located in Land Lot 60 the 17<sup>th</sup> District of Fulton County, Georgia in the Garden Hills neighborhood of NPU-B.
- **Property Size and Physical Features:** The subject property consists of 1.24 acres and developed with a two story commercial building of approximately 8,426 s.f. having 24 parking spaces provided to the side and rear of the building. The parking area is accessible via a two-way curbcut and driveway located immediately north of the structure. The rear of the lot is landscaped likely due to a stream in the far southwest corner of the site and its required stream buffer. The property has little topography in the front and central area but slopes southwest toward the stream in the rear with that same area also having evergreen trees located behind the parking.
- **CDP Land Use Map Designation:** The current land use category is for the lot is split with Low-Density Commercial in the central and front of portion the site and Open Space for the far west rear of the site. The proposed change of conditions for the C-1-C zoning classification is still an appropriate land use category under this CDP designation.

- **Current/Past Use of Property:** The property is currently developed with a vacant two-story commercial building housing multiple retail tenants including both a home furnishing and jewelry store fronting Piedmont Road. The rear of the site has an accessory parking lot and a wide landscaped area. These uses are those allowed by the current zoning per Z-05-28.
- **Surrounding Zoning/Land Uses:** The subject site is zoned C-1-C with Low-Density Commercial in the central and front of portion the site and C-1-C with Open Space land use designation in the rear. The C-1-C with Low-Density Commercial is consistent with its neighbor to the north; however further north, immediately south and immediately east (across Piedmont Road is zoned RLC or RLC-C with an O-I land use designation along the west side of Piedmont Road and Low-Density Commercial across Piedmont Road to the east. These have a variety of small scale uses including office, medical office, retail, personal services, studios, and single-family and multi-family residential. To the west of the site across the creek is zoned R-4 with Single-Family Residential land use designation having single-family residences fronting along Alpine Road.
- **Transportation System:** Piedmont Road is a state route known as GA-237 classified as an arterial street. East Wesley Road is located 425 feet to the south and is classified as a collector street. All other streets in the immediate vicinity are classified as local streets. Sidewalks are consistently provided along both sides of Piedmont Road but often are intersected by curbcuts. MARTA bus #5 follows along Piedmont Road adjacent to the site connecting the Lindbergh MARTA station to Roswell Road.

## **PROPOSAL:**

An Ordinance by Zoning Committee to rezone from the C-1-C (Commercial Business District-Conditional) to the C-1-C (Commercial Business District- Conditional) for the purpose of a change of zoning conditions. This C-1-C zoning conditions were originally approved per Z-05-28 in 2005; however, these provided use restrictions which the applicant is seeking to modify. The applicant is not seeking to change the site plan or proposing new development. Specifically, the applicant is seeking allowance for office use and a wider variety of other low-density commercial and retail uses within the existing building as well as changing the timeframe for the allowance of such uses.

### **Development Specifications:**

|                                  |  |
|----------------------------------|--|
| Net Lot Area:                    | 1.246 acres (54,268 s.f.)  |
| Non-residential F.A.R. Allowed:  | Previously conditioned per Z-05-28 to 12,960 s.f.  |
| Non-residential F.A.R. Proposed: | 8,526 s.f. - no change from existing condition.  |
| Residential F.A.R. Allowed:      | Previously conditioned per Z-05-28 to 0.636  |
| Residential F.A.R. Proposed:     | None - no change from existing condition.  |
| Building Height Max Allowed:     | Transitional Height Plane applicable   |
| Building Height Proposed:        | 2 stories - no change from existing condition.   |
| Setbacks Required:               | Front: 10'<br>Side: (other than Transitional): 0' or 5'<br>Rear Yards (other than Transitional): 0'<br>Transitional Yards: 20' |
| Setbacks Proposed:               | Front: ~15' - no change from existing condition<br>Side: ~30' & ~15' - no change from existing condition                       |

Transitional Yards (rear): ~200' - no change from existing condition

Parking Required:

Previously conditioned per Z-05-28 to max 24 spaces

Parking Proposed:

24 spaces

**CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

Since the proposed development and change of conditions is consistent with the existing low density commercial land use designation, no CDP land use changes are proposed. There are no known public projects or programs with which the timing of the project would conflict. Therefore, Staff notes that it is not applicable.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

This legislation does not propose any development or intend to rezone any property rather only change conditions to allow a greater variety of non-residential uses on-site. This would not appear to affect any public facilities and services. Further, the existing use of the site and surrounding uses indicate there are public facilities and services available to the subject property.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The zoning regulations indicate that this consideration is optional. In this case, Staff is of the opinion that the proposal to change of conditions regarding uses and allowed dates for such uses would not require the review of other suitable land and that the balance of land uses would not be affected by this proposal.

**(4) Effect on character of the neighborhood:**

The re-use subject site with more opportunities for office, retail and residential uses is expected to contribute to the neighborhood revitalization and keep the character of the neighborhood unharmed. The applicant's plan would maintain the 2005 concept to restrict certain uses allowable on-site. This is not expected to have a negative effect in the character of the neighborhood because the site is located in a low-density mixed use corridor and is otherwise relatively isolated from any particular neighborhood.

**(5) Suitability of proposed land use:**

There would be no change in land use pertaining to any development. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

**(6) Effect on adjacent property:**

The proposed redevelopment of the site is not expected to negatively impact any adjacent properties in that it is currently developed with similar low density commercial and office uses as proposed. However, Staff is of the opinion that the proposed text amendment would have no adverse impact by allowing the re-use of the existing building for office commercial or residential uses.

**(7) Economic use of current zoning:**

Since no rezoning or development projects are being proposed as part of this change of conditions, these considerations are not applicable. Regardless, Staff is of the opinion that the proposed change of conditions would not negatively impact economic use. In fact, the greater allowance of uses would likely increase the economic value of the property.

**(8) Tree Preservation:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable.

**(9) Other Considerations:** Staff is of the opinion that the change of conditions is reasonable in that they are consistent with the low density commercial office and residential uses in the vicinity along Piedmont Road. These conditions would mirror those from Z-05-28 except for conditions #4 & 5 which would be combined and replaced with new condition #4 as shown below.

**STAFF RECOMMENDATION: APPROVAL**, conditioned upon the following:

1. The subject property located at 2858, 2860 and 2862 Piedmont Road, City of Atlanta, Fulton County, Georgia (the "Property") shall be subject to and shall be developed in accordance with that certain Zoning Site Plan prepared by Norman Davenport Askins, P.C. Architect, dated August 18, 2005, stamped "Received" by the Bureau of Planning on August 22, 2005 (the "Site Plan"). Among other things, the Site Plan shows an "Open Space Area" buffer located between the rear of properties located at 2871, 2861, 2855 and 2849 Alpine Road and the proposed development (the "Buffer Area"). The Buffer Area is the same portion of the Property being designated as "Open Space" under the 2004-2019 Comprehensive Development Plan of the City of Atlanta pursuant to application # CDP-05-29. The Site Plan further shows that (i) the maximum floor area of the improvements constructed on the Property shall not exceed 12,960 square feet and shall be located as shown on the Site Plan, and (ii) parking on the Property shall not exceed twenty-four (24) spaces and shall be located as shown on the Site Plan. The Note set forth on the Site Plan stating "All dimensions and structural sizes to be field verified by general contractor" shall have no effect whatsoever on these zoning conditions, and to the extent necessary such notation is hereby deemed deleted from the Site Plan for purposes of these zoning conditions.
2. Improvements constructed on the Property shall be developed in accordance with the elevation drawings approved by the Garden Hills Civic Association and the Bureau of Planning.
3. Signage constructed on the Property shall be developed in accordance with a drawing of sign(s) approved by the Garden Hills Civic Association and the Bureau of Planning.
4. Following the effective date of ordinance approving zoning application #Z-14-040, the Property, including, without limitation, any and all improvements constructed thereon shall be used solely and exclusively for either i.) the retail sale of specialty and antique (including actual antique and replicas thereof) rugs, tapestries, furniture and furnishings as well as jewelry; ii.) other specialized retail shops such as gifts shops boutiques and art galleries; iii.) banks, savings and loan associations and similar financial institutions (no drive thru windows permitted); iv.) multi-family dwellings with total floor area ratio on the site not to exceed 0.636, two family dwellings and single-family dwellings; v.) offices, clinics (including medical as well as veterinary if animals are kept within soundproof buildings), laboratories, studios and similar uses, but not blood donor stations; vi.) retail establishments including catering establishments, delicatessens and bakeries without wholesale operations).
5. Any demolition and construction on the Property shall take place no earlier than 7:00 a.m. and no later than 7:00 p.m. on Monday through Friday, and no earlier than 9:00 a.m. and no later than 5:00 p.m. on Saturday. No demolition or construction shall take place on Sundays. During construction, all construction vehicles shall be parked on-site. Also during construction, the owner of the Property will provide the owners of 2871, 2861, 2855 and 2849 Alpine Road with a contact name and

telephone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction

6. All exterior lighting installed on the Property shall be designed, shielded and constructed so as to prevent light spillage on properties to the rear of the Property and shall further be directed downward and away from the properties located at 2871, 2861, 2855 and 2849 Alpine Road.
7. No fencing or gating shall be permitted on the Property.
8. The owner of the Property shall install and maintain a new, front sidewalk of not less than 12 feet in width.
9. As shown on the Site Plan, the Property shall have only one curb cut point of ingress and egress off Piedmont Road. All parking shall be restricted to the parking lot shown on the Site Plan. No parking shall be permitted in the driveway. No off-site parking shall be permitted with respect to any business, use or operation on the Property.
10. The design of the side and rear elevations of the improvements constructed on the Property shall be architecturally consistent with the front elevation. The materials used on the front, side and rear of the improvements shall likewise be of a consistent quality. The height of the buildings constructed on the Property shall not exceed thirty-five feet (35').
11. Trash removal at the Property shall take place no earlier than 7:00 a.m. and no later than 5:00 p.m. on Monday through Friday. Trash removal shall not take place on Saturday or Sunday. All dumpsters, loading and service facilities shall be screened and shall be located as set forth on the Site Plan.
12. The Buffer Area shall not be disturbed during or following construction except for installation of additional plantings and normal maintenance activity.



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-02 for 3537, 3541, 3545, 3549, 3555 Roxboro Road NE

**DATE:** October 2, 2014

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The applicant seeks a rezoning of the property, from **R-3** to **MR-3**, in view of a new development composed of 21-unit townhouse for the property located at **3537, 3541, 3545, 3549, 3555 Roxboro Road NE**

In order to allow for additional time to further negotiate with the neighborhood, the applicant has requested a 30 days deferral, before disposition on the rezoning request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – NOVEMBER 2014**



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Bureau of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: **Z-14-43 for 776 Mercer Street SE**

DATE: October 2, 2014

The applicant seeks a rezoning of the property, from **R-4B / HC-20K SA-1 (Grant Park) / BL** to **PD-H / HC-20K SA-1 (Grant Park) / BL**, in view of a new development composed of 8 single-family detached dwellings for the property located at **776 Mercer Street SE**.

### FINDINGS OF FACT:

- **Property location.** The subject property is located in land lot 22 of the 14<sup>th</sup> land district, on the north side of Mercer Street, starting 84 feet east from the intersection with Eloise Street. It is located in the Grant Park neighborhood and historic district and within the BeltLine overlay district. It is within NPU-W and Council District 1.
- **Property size and physical features.** According to the City of Atlanta lot boundary maps, the subject property consists of one tract of land amounting to a total acreage of 0.94 acres and a street frontage of approximate 177 ft. on the north side of Mercer Street. There is an existing structure and its associated surface parking that used to function as warehouse which is proposed for demolition. The property is encumbered by two City of Atlanta utility easements: a 60' storm sewer easement traversing the site on a north-south direction and a 20' sanitary sewer easement impacting the north-west corner. The topography presents an upslope condition along the frontage on Mercer Street continuing with a plateau afterwards. There are only a couple trees in the front yard.



- **CDP land use map designation:** Future land use maps indicate a land use designation of Low Density Residential.
- **Current/past use of property:** Historically, the property has been known as 776 Mercer Street. Currently, the property is improved with one large structure and the associated surface parking lot.
- **Surrounding zoning/land use:** The subject property is zoned R-4B. At the east and the west side it is bordered by land zoned R-5; at the north side there is a property zoned O-I (Office-Institutional) and to the south there is a development zoned MR-2 (Multi-Family Residential). Additionally, there is the overlay historic zoning district of Grant Park and the BeltLine overlay district. Surrounding land is currently used for single-family developments with the exception of the site at the south across the street which is used for apartments.
- **Transportation system:** Mercer Street is categorized as a local street. There is no public transportation available on Mercer Street. However, there are bus routes available on nearby Boulevard at the west. Also, at the north there is the I-20 corridor.

## **PROPOSAL:**

This application seeks to create 8 single-family detached residential lots served by an interior private street.

## **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as a Low Density Residential land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. There is existing public sanitary sewer available at Mercer Street and on the property itself. The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection. The site is located within the Custer sanitary sewer basin.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.

- **Effect on character of the neighborhood:** The property is located within the Historic District of Grant Park and there are specific requirements with regards to the configuration of the new lots that fail to comply with the Grant Park regulations. Staff finds that the character of the neighborhood would be negatively impacted.
- **Suitability of proposed land use:** A change in the 15-year land use map is not required.
- **Effect on adjacent property:** The proposed design and layout does not conform to certain requirements of the Grant Park Historic District, there may be an indirect negative effect on the surrounding properties. Existing abutting properties which may be subject to future redevelopment will be required to adhere to the same criteria imposed by the historic district regulations which are not being met by this current rezoning proposal.
- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. However, Staff is of the opinion that the proposed development of 8 new houses would certainly represent an economic improvement, especially if they are developed in accord with the established historic designation regulations.
- **Tree Preservation:** There is one 57" hardwood tree to be preserved at the property frontage. The proposed site plan also identifies 9 new trees to be planted.
- The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
  - a. **The suitability of the tract for the general type of PD zoning proposed.**

This application is a request for a rezoning to a PD-H district. Staff is of the opinion that the property is suitable for a PD-H zoning classification. The property presents certain existing particularities that Staff considers as hardship conditions: the 60" storm sewer bisecting the site and the 20" sanitary sewer in the north-west corner. These two public utilities greatly limit the development potential of the tract under the guidelines of the existing underlying R-4B zoning.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**

There is no public transportation available on Mercer Street. MARTA provides bus routes service on Boulevard. This site is located between several transportation corridors, Boulevard at the west – collector street and Moreland Avenue to the east – arterial street. Also, there is Berne Street and Glenwood Avenue at the north, both collector streets.
  - c. **The evidence of unified control.**

The revised site plan submitted by the applicant identifies several elements of unified control in the future development.

Access to the development will be provided through a shared two-way private street. The site plan indicates two common areas/park with garden. One area is located at the north-west corner of the site and is 3,880 sf. in size. The second area is located between lots #3/#4 and lots #5/#6 and has a size of 3,953 sf. These two areas are being proposed to function as parks with garden planting material. Also, the applicant has stated that the proposed stormwater management area at the south-west corner will be designed as an underground facility and the land area aboveground will be developed into another park/garden area.

The site plan provides for a network of sidewalks to be constructed to connect all proposed houses to the park areas and to the internal private street.

All the common areas will be privately owned and maintained in common by the future residents and the legal details/maintenance program will be stipulated in certain private covenants.

**d. The suitability of proposed plans.**

The proposed revised site plan (stamped received by the Office of Planning on September 13, 2014) does not provide sufficient relevant information with regards to the Grant Park Historic District requirements. Staff has a concern regarding the overall design of the lots. In the Grant Park Historic District, most lots are rectilinear and have a significantly smaller frontage than depth. In looking at how the proposed lots relate to the existing street and the proposed street, Staff finds many of the lots are more square than rectilinear. Staff finds the overall design of the lots is not consistent and compatible with the majority of the existing lots in the district.

Staff can support a rezoning to PD-H that would allow the creation of additional lots beyond the four lots that would normally allowed by the existing zoning category. Staff can support a rezoning to PD-H that would create lots that meet all of the historic district requirements. Staff finds that eliminating one or two of the lots would allow lots that are rectilinear, have front entryways and walkways that are connected to a street, appropriate porches, parking in the rear and would in general be more consistent and compatible with historic lots and houses in the district. Staff finds that lot #1, #2, #3 and #8 are highly visible and therefore should meet the district requirements. Staff finds that there can be more flexibility for lots #5 and #6 as they will likely not be seen from the street in the currently proposed configuration.

**e. Specific modifications.**

Revised site plans have been submitted to the Office of Planning on September 13, 2014.

**f. The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**Other requirements:**

The following are findings of Staff based on requirements of the Grant Park Historic District:

1. The proposed lots shall be rectilinear with frontages that are significantly smaller than the depth.
2. There shall be no parking in the front yard for any property.
3. All properties shall have a front porch with a depth of no less than 6'.
4. All walkways connected to the front entry shall be connected to a sidewalk adjacent to a street.
5. The front yard setbacks for lots #1, #2, #3 and #8 should be based on historic examples.

The proposed rezoning site plan does not comply with any of the above referenced items. While the subject property lends itself to development as a planned development unit, the configuration as presented does not satisfy conditions imposed by the Grant Park Historic District which are also applicable to this site.

**STAFF RECOMMENDATION: DENIAL**